

RECEIVED

OCT 02 2003

TC 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **KIKUGAWA, Atsushi et al.**

Serial No.: 09/924,476

Filed: August 9, 2001

Group Art Unit: 2643

Examiner: **OLTMANS, Andrew L.**

P.T.O. Confirmation No.: 2643

For: **RARE EARTH METAL-BASED PERMANENT MAGNET HAVING CORROSION-RESISTANT FILM AND METHOD FOR PRODUCING THE SAME**

REQUEST FOR RECONSIDERATION AFTER FINAL REJECTION

RECEIVED

SEP 11 2003

MAIL STOP AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
OCT 02 2003
TC 1700

Technology Center 2600

September 8, 2003

Sir:

In response to the Office Action dated **May 12, 2003**, applicants request favorable reconsideration of the above-identified application. Claims 1-6 are pending.

Examiner Oltmans is thanked for the courtesies extended to the undersigned attorney during the telephone interview conducted on July 30, 2003. Applicants' separate record of the substance of that interview is incorporated into the following discussion.

Claims 1-6 were rejected under 35 USC §102(b) as being anticipated by Nichiuchi et al. (JP '216) and claims 1-6 were rejected under 35 USC §103(a) as being unpatentable over JP '216. Favorable reconsideration of these rejections is earnestly solicited.

The Examiner highlights that paragraph [0030] of JP '216 teaches that phosphoric acid, compound phosphoric acid, and the like in the treatment solution react with the materials of the magnet in the form of Nd and Fe on the surface of the magnet, forming a passive film. However,

U.S. Patent Application Serial No. 09/924,476

this passive film is different from the chemical conversion film. JP '216 does not teach that the passive film also contains the elements of the chemical conversion film, in particular, zirconium.

JP '216 is an invention relating to a magnet characterized in that a chemical conversion film is formed on the surface of an aluminum film formed on the surface of the magnet. The aluminum film is necessary for formation of the chemical conversion film described by JP '216, as contrasted to the present invention which does not contain an aluminum film.

JP '216 names a common inventor with the present application, Fumiaki Kikui. Mr. Kikui carried out an experiment applying the treatment solution described in JP '216 directly to the surface of a magnet. As a result, it was confirmed that the chemical conversion film formed on the surface of the aluminum film described in JP '216 was not formed on the surface of the magnet. The results of the experiment are detailed in the attached declaration under 37 CFR §1.132 of Mr. Kikui.

Accordingly, JP '216 does not anticipate the claimed invention or render the claimed invention obvious.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by Applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone Applicants' undersigned attorney.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN & HATTORI, LLP



Stephen G. Adrian
Attorney for Applicants
Reg. No. 32,878

Attachments: Petition for Extension of Time
Declaration of Mr. Kikui
Information Disclosure Statement

SGA/arf
Atty. Docket No. **010983**
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



23850
PATENT TRADEMARK OFFICE